

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION, *et al.*

Plaintiffs,

v.

ROOMSTER CORP., *et al.*

Defendants.

Case No. 1:22-cv-7389

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 31/31
DATE FILED: 3/1/2023

[PROPOSED] AGREED ORDER GOVERNING ELECTRONIC DISCOVERY

The parties hereby stipulate to the following provisions regarding the discovery of electronically stored information (“ESI”) in the above-captioned action. Nothing in this Agreed Order is intended to limit any of the parties’ rights under, or prevent any party from asserting any objection to production consistent with, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Civil Rules for the Southern District of New York, and/or any other applicable law:

1. **Exchange of e-discovery materials.** On March 15, 2023, or on a date agreed upon by the parties in writing, the parties shall exchange the following information:
 - a. a list of each relevant electronic system that has been in place at all relevant times and a general description of each system, including the nature, scope, character, organization, and formats employed in each system;
 - b. a list of the most likely custodians of discoverable ESI in their possession, custody, or control, with custodians identified by name, title, and brief descriptions of each person’s connection to the instant litigation and the type of information under his/her control;

c. the parties should also include other pertinent information about their electronic documents and whether those electronic documents are of limited accessibility, that is, those created or used by electronic media no longer in use, maintained in redundant electronic storage media, or for which retrieval involves substantial cost;

d. a general description of the party's electronic document retention policies;

e. a description of any problems reasonably anticipated to arise in connection with e-discovery.

2. **Search methodology.** Subject to Paragraph 3 below, if the parties intend to employ an electronic search to locate relevant electronic documents, the parties shall disclose, within 30 days of making such decision, any restrictions as to the scope and the method which might affect their ability to conduct a complete electronic search of the electronic documents. The parties shall reach agreement as to the method of searching, and the words, terms, and phrases to be searched with the assistance of those familiar with the parties' respective electronic systems. The parties shall also reach agreement as to the timing and conditions of any additional searches which may become necessary in the normal course of discovery.

3. **Format.** The parties agree that ESI will be produced to the requesting party with searchable text, in a format to be decided between the parties. For production to Plaintiffs, the FTC's production protocol is attached. However, to the extent that the FTC's production protocol differs from that in place during the FTC's prior investigation, the parties agree that in respect to any previously collected data, the production protocol in place during the FTC's prior investigation governs.

4. **Privilege.** If electronic documents containing privileged information or attorney work product appear on their face to have been inadvertently produced, the receiving party shall cease reviewing such documents and promptly notify opposing counsel. If the producing party

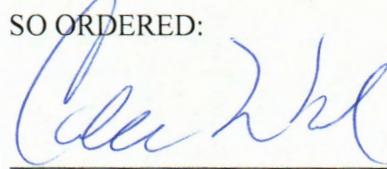
confirms or otherwise provides notice of the inadvertent production of electronic documents containing privileged information or attorney work product, those documents shall be promptly returned or destroyed by the receiving party.

5. **Costs.** The costs of discovery shall be borne by each party.

Dated: February 28, 2023
New York, New York

Upon consent of the parties, signatures of all counsel below.

SO ORDERED:



Hon. Colleen McMahon
United States District Judge

Respectfully submitted,

FOR THE FEDERAL TRADE COMMISSION:

Athen

ANGELEQUE P. LINVILLE (admitted *pro hac vice*)
alinville@ftc.gov; (404) 656-1354
VALERIE M. VERDUCE (admitted *pro hac vice*)
vverduce@ftc.gov; (404) 656-1355
Federal Trade Commission
233 Peachtree Street, Suite 1000
Atlanta, GA 30303
Facsimile: (404) 656-1379

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

FOR THE STATE OF CALIFORNIA:

ROB BONTA
Attorney General, State of California

NICKLAS A. AKERS
Senior Assistant Attorney General

/s/ Adelina Acuña

EMILY KALANITHI (NY 4191805)
Supervising Deputy Attorney General
emily.kalanithi@doj.ca.gov; (415) 510-3468
JON F. WORM (*admitted pro hac vice*)
Supervising Deputy Attorney General
jon.worm@doj.ca.gov; (619) 738-9325
ADELINA ACUÑA (*admitted pro hac vice*)
Deputy Attorney General
adelina.acuna@doj.ca.gov; (415) 510-3752
TIMOTHY E. SULLIVAN (*admitted pro hac vice*)
Deputy Attorney General
timothy.sullivan@doj.ca.gov; (510) 879-0987
CAROLINE E. WILSON (*admitted pro hac vice*)
Deputy Attorney General
callie.wilson@doj.ca.gov; (415) 229-0106

California Department of Justice
Office of the Attorney General
455 Golden Gate Ave., 11th Fl.
San Francisco, CA 94102

Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

FOR THE STATE OF COLORADO:

PHILIP J. WEISER
Attorney General
State of Colorado

/s/ Brady J. Grassmeyer

ABIGAIL M. HINCHCLIFF (admitted *pro hac vice*)
First Assistant Attorney General
Abigail.Hinchcliff@coag.gov; (720) 508-6000
BRADY J. GRASSMEYER (admitted *pro hac vice*)
Assistant Attorney General
Brady.Grassmeyer@coag.gov; (720) 508-6000
1300 Broadway, 10th Floor
Denver, CO 80203

Attorneys for Plaintiff
STATE OF COLORADO

FOR THE STATE OF FLORIDA:

ASHLEY MOODY
Attorney General, State of Florida

/s/ Ryann H. Flack

Ryann H. Flack (admitted *pro hac vice*)
Ryann.Flack@myfloridalegal.com; (786) 792-6249
Miles Vaughn (admitted *pro hac vice*)
Miles.Vaugh@myfloridalegal.com; (813) 287-7257

Office of the Attorney General
Consumer Protection Division
SunTrust International Center
1 S.E. 3rd Avenue, Suite 900
Miami, FL 33131

Attorneys for Plaintiff
STATE OF FLORIDA

FOR THE PEOPLE OF THE STATE OF ILLINOIS:

KWAME RAOUL
Attorney General of Illinois

/s/ Cassandra Halm

CASSANDRA HALM (admitted *pro hac vice*)
Assistant Attorney General
Cassandra.Halm@ilag.gov; (217) 725-9591

ELIZABETH BLACKSTON (admitted *pro hac vice*)
Bureau Chief
Elizabeth.Blackston@ilag.gov; (217) 725-8649

Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62701

Attorneys for Plaintiff
THE PEOPLE OF THE STATE OF ILLINOIS

FOR THE COMMONWEALTH OF MASSACHUSETTS:

ANDREA JOY CAMPBELL
Attorney General
Commonwealth of Massachusetts

/s/ Mychii Snape

Mychii Snape (MS1544)
Assistant Attorney General
Mychii.Snape@mass.gov; (617) 727-2200
Consumer Protection Division
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, MA 02108

Attorney for Plaintiff
COMMONWEALTH OF MASSACHUSETTS

FOR THE PEOPLE OF THE STATE OF NEW YORK:

LETITIA JAMES
Attorney General of the State of New York

/s/ Christian Reigstad

MELVIN L. GOLDBERG
Assistant Attorney General
Melvin.Goldberg@ag.ny.gov; (212) 416-8296
CHRISTIAN REIGSTAD
Assistant Attorney General
Christian.Reigstad@ag.ny.gov; (212) 416-8321
28 Liberty Street
New York, New York 10005
Facsimile: 212-416-6003

Attorneys for Plaintiff
PEOPLE OF THE STATE OF NEW YORK

and

JANE M. AZIA
Bureau Chief
Consumer Frauds and Protection Bureau

LAURA J. LEVINE
Deputy Bureau Chief
Bureau of Consumer Frauds and Protection

Of Counsel for Plaintiff
PEOPLE OF THE STATE OF NEW YORK

FOR DEFENDANTS ROOMSTER CORP., JOHN SHRIBER, AND ROMAN ZAKS:

/s/ Jennifer A. Surprenant

GREENBERG TRAURIG, LLP

Jennifer A. Surprenant

Sarah E. Atlas

One Vanderbilt Avenue

New York, NY 10017

Tel: (212) 801-9200

Fax: (212) 801-6400

SurprenantJ@gtlaw.com

atlass@gtlaw.com

Andrew G. Berg

2101 L Street, N.W.

Suite 1000

Washington, DC 20037

Tel: (202) 331-3181

berga@gtlaw.com

Gary E. Snyder

Terminus 200

3333 Piedmont Road NE

Suite 2500

Atlanta, GA 30305

Tel: (678) 553-2121

snyderg@gtlaw.com